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ABSTRACT

In response to passage of Illinois Senate Bill 1424 in 1974, which authorized the establishment of a Courts Complex in Springfield, including the William Chamberlain Memorial School of Law, the Board of Higher Education submitted this report. Background information is presented on the state of legal education in Illinois and its planned expansion as part of the Board of Higher Education Master Plan--Phase III. Some of the conclusions are: (1) A new law school should not be established in the Courts Complex; (2) a Center for Legal Studies should be established to coordinate all educational programs related to the Courts Complex; (3) proposals for law student clinical programs to be associated with the Courts Complex may be developed by the University of Illinois and Southern Illinois University at Carbondale; and (4) proposals for paralegal programs or other legally-related programs to be associated with the Courts Complex may be developed by interested institutions whose mission includes such offerings. Proposals for all the above should be submitted to the Board of Higher Education for approval. (Specific topics are recommended for consideration by the Board of Higher Education as part of the Master Plan--Phase IV.) (JT)

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January, 1975

LEGAL EDUCATION: A Staff report for use in developing the Illinois Master Plan--Phase IV.

by J.W. Huther

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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HE 007 986

State of Illinois
Board of Higher Education

February 4, 1975

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

REPORT ON LEGAL EDUCATION

The following report is submitted in response to the passage of Senate Bill 1424 which authorized the establishment of a Courts Complex in Springfield, including the William Chamberlain Memorial School of Law.

Background

The Board of Higher Education as a part of Master Plan-Phase III authorized the formation of the Committee on Legal Education (Committee U) in April, 1968. The Committee's charge included reviewing the supply and demand for lawyers in Illinois, assessing the State's ability to meet present and anticipated legal demands, and making recommendations that would insure adequate legal education in Illinois through 1980. Committee U, chaired by Chief Justice Robert C. Underwood of the Illinois Supreme Court, recommended expansion of the University of Illinois College of Law at Urbana-Champaign from 600 to 1,000 students and the establishment of a law school at Southern Illinois University at Carbondale for 300 students.

The Board adopted both recommendations in May, 1971 as part of Master Plan-Phase III. In the Fall of 1973, Southern Illinois University at Carbondale enrolled its first class of law students. But recommended expansion of the University of Illinois College of Law has not occurred because of insufficient capital funding.

The Board of Higher Education at its July, 1974 meeting authorized a review of special program needs as one component of Master Plan-Phase IV. The Master Plan Status Report submitted to the Board at its November, 1974 meeting designated legal education as a special program need to be addressed. It is expected that recommendations about legal education in Master Plan-Phase III which were never fully implemented will be evaluated in Phase IV.

The need for an accelerated review of the status of legal education in Illinois was created by the passage of Senate Bill 1424 during the Spring, 1974 session of the General Assembly. The Bill authorized the appropriation of $2,500,000 to the Capital Development Board for "land acquisition, site preparation, plans and specifications for construction of a Courts Complex in Springfield for Circuit and Appellate Courts and for legal and paralegal education, including the William Chamberlain Memorial School of Law." Governor Walker in signing Senate Bill 1424 into law, stated:

> "This bill contains, in Section 18.1, a project involving higher education which the Board of Higher Education has not had an opportunity to review and evaluate. It should be understood that, in signing this bill, I expressly leave to the Board of Higher Education the question of determining the appropriate programmatic and institutional involvement of higher education in this project, including the question of the establishment of a new school of law."

Subsequent to the enactment of Senate Bill 1424, the Executive Director requested that the executive officers of the four university governing boards comment on (1) system or institutional interest in providing legal education in the Springfield area, (2) if interested, what programmatic activity is proposed, (3) effect of such activity upon the current commitment of the State to expand legal education facilities at the University of Illinois-Urbana/Champaign and develop a law school at Southern Illinois University-Carbondale, and (4) implication of any proposals upon the mission of specific institutions within the system.

The Capital Development Board also expressed interest in proceeding with the project as rapidly as possible and specifically requested Board of Higher Education response to the designation of a system or institution as responsible for the Springfield School of Law and development of an educational program for the School.

At its October 1, 1974 meeting, the Board of Higher Education received a status report on legal education and adopted the following motion:

> "(1) Any response to the questions raised by the Capital Development Board on assignment of the program to a system and the educational program to be carried out be deferred until an official response is received from each interested system, (2) A consultant(s) be employed to assist the Board and staff in evaluating any institutional request received, and (3) The Board of Higher Education express concurrence for land acquisition for and selection of architect for the Courts Complex but expressly withhold concurrence on planning for educational programmatic activities, including the question of the establishment of a new school of law, subject to the Board of Higher Education action on system and institutional requests."

The Capital Development Board at its October 10, 1974 meeting recommended to the Governor release of $2,500,000 or so much thereof as may be required for planning, land acquisition, and site work for the Capitol Courts Complex with the proviso that no funds are to be expended for land acquisition until such time as:

> "(1) A firm agreement is reached by and among the Illinois Circuit Court, the Illinois Appellate Court, the Sangamon County Board, and the Institution to be designated by the Board of Higher Education to operate the legal and paralegal educational facility, governing the use and operation of the Capitol Courts Complex, and (2) The Board of Higher Education has approved a functional legal and paralegal educational program and has designated an institution of higher education to operate such school, which institution has accepted such responsibility."

An official response from each of the four university governing boards regarding interest in providing legal education in the Springfield area has been received and reviewed by the Board staff. The complete text of each response is available on file in the Board office. A summary of each system response follows.

The Board of Governors expressed no system or institutional interest in providing legal education in the Springfield area. However, the Board of Governors urged the Board of Higher Education to evaluate immediately the need for increased law school enrollments and to determine the most effective way to provide for increases if deemed necessary.

The Board of Regents designated Sangamon State University as the appropriate institution to provide legal education in the Springfield area both in terms of its location and its mission. Sangamon State University submitted a proposal to establish a new law school with an enrollment capacity of 300 students, to provide third-year internships for students from other public and private law schools in the State who wish to participate in a cooperative clinical program, to provide legal paraprofessional programs, and to establish a law library with an initial collection of 100,000 volumes. Explicit in Sangamon State University's proposal is the desire to blend theory and practice in the curriculum by offering clinical experiences in state government and in the courts to be located within the Complex.

The recommendation of the Southern Illinois University Board of Trustees supported the original recommendation of Committee U establishing the Southern Illinois University College of Law and recommending expansion of the University of Illinois College of Law. The Board of Trustees recommended that priority in funding state law schools must be given to the two public law schools already in existence and then to such other schools as the Illinois Board of Higher Education and the Legislature determine to be proper. If either a full three-year law school or an abbreviated program of clinical education for third-year students is established in Springfield, the Board of Trustees recommended that it should be operated by Southern Illinois University at Carbondale as a branch location of the existing school.

Based upon a statement of principles adopted by the University of Illinois Board of Trustees regarding system or institutional interest in providing legal education in the Springfield area, President Corbally provided a response which included the following observation:

> "The University of Illinois is convinced, after studying recent manpower and cost data, that the extensive material contained in the Committee U report remains valid, and that the most cost-effective method available to the State of Illinois for increasing opportunities for quality legal education remains the present IBHE Master Plan-Phase III priority for expansion at Urbana-Champaign. The Board of Higher Education is faced with a crucial challenge to its master-planning role as it reassesses the recommendations put forth by Committee U in light of proposals for legal education in Springfield. The University of Illinois believes that although there are facets of its own program that can and should be administered in Springfield to meet a variety of needs in that area, there is no justification, either according to educational policy or to fiscal criteria, for the establishment of a new law school in Springfield counter to present IBHE policy."

The University of Illinois expressed the opinion that if some legal education facility is found to be desirable for Springfield, most of the key functions sought by those supporting the Complex could be carried out at lower cost with higher quality by a program for advanced law students which is already one component of the University of Illinois College of Law. More specifically, the functions which the University of Illinois would propose to perform in the Courts Complex include a clinical legal program for third-year law students from approved Illinois law schools and development of a program in judicial administration in an effort to modernize the work of the Courts.

In addition to system responses, a letter was received by the Executive Director from Judge James C. Craven of the Appellate Court, Fourth District, who has been actively engaged in the development of the proposed Courts Complex. Judge Craven acknowledged that while a law school is an essential ingredient of the Courts Complex, "the whole program from its inception has been, and remains, a program for judicial improvement, experimentation in new technology for use by the judiciary, and the training of personnel in connection with the technology included in the new

Courts Complex." On the basis of his discussions with university representatives, Judge Craven expressed his concurrence with the concept of the law school as set forth in the proposal outlined by Sangamon State University. The complete text of Judge Craven's letter is available on file in the Board of Higher Education office.

During the course of these events, Executive Directors of the Board of Higher Education consulted through informal meetings with Millard H. Ruud, Executive Director of the Association of American Law Schools, and with Chief Justice Robert C. Underwood of the Illinois Supreme Court.

These events and university responses suggest need for review of current information about law school enrollments in Illinois, law degrees awarded in Illinois, eligibility for admissions to the Illinois Bar, employment opportunities for lawyers, estimates of law school operational costs, estimates of law school facility costs, and types of educational programs in the field of law and related subject matter. Such information is provided in the sections which follow.

Law School Enrollments

Law school enrollments in Illinois have increased substantially since 1968. Full-time enrollments in 1968 were 2,709. By Fall, 1974 full-time enrollments had risen to 4,347. Enrollment data for each law school in the State are displayed in Table 1 for full-time and part-time students. It should be noted that the Fall, 1974 data do not include third-year enrollments for Southern Illinois University at Carbondale or enrollments for a newly established Law School at Lewis University. Lewis University expects to accept about 700 students by Fall, 1975 and a total of 1,200 when fully operational.

Table 1

ILLINOIS LAW SCHOOL ENROLLMENTS IN 1968 AND 1974

	Enrollments			
	Fall 1968		Fall 1974	
	Full-Time	Part-Time	Full-Time	Part-Time
Southern Illinois University-Carbondale	-0-	-0-	157	-0-
University of Illinois-Urbana	604	-0-	635	-0-
Illinois Institute of Technology (Kent)	262	273	407	314
DePaul University	371	295	642	346
John Marshall University	363	378	1,046	549
Loyola University	209	149	416	212
Northwestern University	476	-0-	552	-0-
University of Chicago	424	-0-	492	-0-
Totals	2,709	1,095	4,347	1,421

Source: American Bar Association.

Law Degrees Awarded

The number of J.D. (Juris Doctor) degrees awarded annually in Illinois since 1968 has also increased substantially. The number awarded in June, 1968 totaled 827. By June, 1974 the number increased to 1,475. The number of J.D. degrees awarded by each law school in the State is displayed in Table 2.

Table 2

J.D. DEGREES AWARDED IN ILLINOIS IN 1968 AND 1974

	J.D. Degrees Awarded	
	June 1968	June 1974
Southern Illinois University-Carbondale	-0-	-0-
University of Illinois-Urbana	176	221
Illinois Institute of Technology (Kent)	80	190
DePaul University	117	292
John Marshall University	87	220
Loyola University	75	192
Northwestern University	169	181
University of Chicago	123	179
Totals	827	1,475

Source: American Bar Association.

Eligible Admissions to the Bar

The numbers of individuals tested for admissions to the Illinois Bar and the numbers of individuals who have passed have increased since 1968. In 1968, 1,344 individuals were tested and in 1974, 2,080 individuals were tested. The number of individuals who passed in 1968 was 998 compared with 1,704 in 1974. The numbers for each year from 1968 through 1974 are displayed in Table 3.

Table 3

NUMBERS ELIGIBLE FOR ADMISSION TO THE ILLINOIS BAR THROUGH EXAMINATION

	Number Tested	Number Passing	Percentage Passing
1968	1,344	998	74%
1969	1,393	1,090	78
1970	1,188	877	74
1971	1,174	904	77
1972	1,515	1,157	76
1973	1,973	1,643	83
1974	2,080	1,704	82

Source: Illinois Board of Law Examiners.

Employment of Lawyers

Data about employment opportunities are less precise and more difficult to obtain than data about enrollments and degrees awarded. However, the limited national data which are available indicate that law school graduates exceed the number of legal positions. According to the American Bar News (December, 1974), nearly 31,000 received law degrees in ABA-approved schools in 1973. But only 16,500 legal positions were available and are estimated to be available for each year through 1980.

An indirect indication of employment opportunities for lawyers or demand for lawyers is contained in data on the ratio of population to lawyers. The latest available nationwide data is published by the American

Bar Association. In 1970, Illinois ranked fifth in population among the states, third in number of lawyers, and third in number of lawyers per 100,000 population. Data for selected states is displayed in Table 4.

Table 4

POPULATION-LAWYER RATIOS IN 1970
FOR SELECTED STATES

State	Population	Number of Lawyers	Number of Lawyers Per 100,000
California	19,963,000	34,248	172
New York	18,191,000	55,946	308
Pennsylvania	11,794,000	14,418	122
Texas	11,197,000	19,074	170
Illinois	11,114,000	22,036	198
Colorado	2,207,000	4,665	211
Total United States	204,182,000	355,230	174

Source: American Bar Association, The 1971 Lawyer Statistical Report, Chicago, 1973.

Estimates of Law School Costs

Annual operating costs for a new law school may be viewed from at least two perspectives.

One perspective is offered in a recent report by Willard Pedrick and James R. Soles entitled University of Delaware Law School Study. Pedrick is Dean of the Law School at Arizona State University. His estimates assume library costs for 60,000 volumes, a total of 325 students when fully operational and a student-faculty ratio of 15:1. His estimates do not include capital costs or physical plant costs for operation and maintenance.

Pedrick assumes that two planning years are needed to start a new law school at a cost of approximately $450,000 per year. Using the first

year of operation as 1975-76, Pedrick estimates annual costs to be as follows:

1975-76 - $ 585,000
1976-77 - 951,100
1977-78 - 1,352,500

Another perspective on costs may be derived from internal budgets for FY1975 for the law schools at the University of Illinois and Southern Illinois University at Carbondale. The annual instructional cost per headcount student at the University of Illinois is budgeted at approximately $2,350. The comparable cost at Southern Illinois University at Carbondale is approximately $2,520.

Instructional costs at the two law schools do not include costs for operation of the law library and the cost of new book acquisitions. At the University of Illinois this expense is budgeted at approximately $575 per headcount student for FY1975. Per student library costs at Southern Illinois University at Carbondale are budgeted at $2,156 for FY1975. The difference in costs is explained by the necessity to establish a basic library at Carbondale through new book acquisitions. The purchase cost for new books at Southern Illinois University at Carbondale has averaged about $17.50 per book over the past three years.

Based upon this cost perspective, it appears reasonable to assume that minimal annual costs for a fully operational new law school to serve 300 students would be as follows: $750,000 for instruction ($2,500 x 300) plus $172,500 for library costs ($575 x 300) for an annual total of $922,500 based upon FY1975 dollars. It should be noted that this minimal cost does not include costs for operation and maintenance of a physical plant. Such costs are discussed in the following section.

In addition, the acquisition of a basic law library of 60,000 volumes at $18.00 per volume would amount to at least $1,080,000.

Estimates of Law School Facility Costs

The costs of building a new law school as part of the Capitol Courts Complex may be inferred from estimates submitted to the Board of Higher Education in September, 1974 for the Law Building addition at the University of Illinois and the new Law Building at Southern Illinois University.

The University of Illinois estimate assumes 86,830 gross square feet to serve approximately 400 additional students. Based upon an expected bid date of December, 1975, the total project cost is estimated to be $7,106,300.

The Southern Illinois University estimate assumes a facility at 96,891 gross square feet to serve 450 students. Based upon an expected bid date of June, 1976, the total project cost is estimated to be $7,225,500.

Operations and maintenance costs for facilities are currently budgeted at $2.10 per gross square foot. For the University of Illinois Law Building addition, this would amount to $182,343 per year. For the Southern Illinois University at Carbondale Law Building, this would amount to $203,471 per year.

Other Educational Programs

Interest in legally-related educational programs other than traditional law school programs appears to be increasing nationwide. There are at least four general types of legally-related educational programs under discussion in various publications at this time.

One type is a clinical program which is designed to provide an externship or on-the-job experience for law students. The program can be operated as part of existing law school programs. As outlined by the University of Illinois and Southern Illinois University, such a program would be open to third-year law students as an elected option within the regular

curriculum. The clinical program would be supervised by the faculty of the law school and would provide degree credit from the supervising law school. Clinical programs would provide an opportunity for exposure to such areas as judicial administration, government civil litigation, criminal law, and public interest law. Provision for such programs is contained in Rule 711 of the Supreme Court Rules of the State of Illinois which defines eligibility for legal representation by students in such a program as well as services permitted.

There appear to be several benefits to a clinical program. It provides a student with the opportunity for observation and experience in the lawyer's role as negotiator, draftsman, advocate, counsellor, and fact-finder. It enables a student to make career choices based on experience. And it provides the law faculty the opportunity to share its expertise and assistance in those areas in which the clinical program is conducted.

A second type of educational program is designed to prepare legal assistants or legal paraprofessionals at the associate degree or certificate level. It is expected that these programs will lead to employment in law enforcement, correction, administration of justice, child and family services, legal assistance, court stenography, and legal secretarial service. An example of such a program is one in Legal Technology offered by William Rainey Harper College.

A third type of educational program is designed to prepare individuals to work in a variety of settings related to legal services. Programs approved at public universities in Illinois include government, criminal justice, political science, human services, urban affairs, and social work/welfare. Sangamon State University in particular currently offers a social justice professions program.

A fourth type of program is designed to provide continuing legal education for practicing lawyers. Typically such programs concentrate upon recent and specialized developments in the field of law.

Of the four types of programs, clinical education is especially appropriate for a setting such as the Courts Complex. Such education could be offered as proposed by the University of Illinois College of Law and the Southern Illinois University at Carbondale School of Law as well as by interested private law schools. While it is possible that each institution could arrange clinical opportunities separately, it may be more efficient to coordinate such educational efforts.

Coordination for clinical educational programs could be accomplished through a unit such as a Center for Legal Studies. Furthermore, such a Center might commemorate William Chamberlain by bearing his name.

The Center for Legal Studies requires further definition based upon detailed proposals from institutions wishing to be involved and upon assessment of the proposals by the Board of Higher Education. However, some broad features of the Center can be identified which will be consistent with the administration of programs in higher education and the goals of the Courts Complex as presented to date.

The Center would be an administrative unit whose primary function would be to coordinate institutional program affiliations with agencies in the Courts Complex and other governmental agencies in Springfield. Control of the programs themselves would be the responsibility of the individual institutions involved. Classroom instruction in the programs probably would occur in the classrooms of the sponsoring institution. Clinical on-the-job experience related to programs would be arranged through the Center. Such clinical experiences could be expected to be located in offices scattered throughout the Courts Complex and other governmental agencies in Springfield.

The Center for Legal Studies would be an appropriate unit for administration by Sangamon State University because of the University's location in Springfield and designated public affairs mission. As envisioned in this report, the Center would require only office space in the Courts Complex.

The appropriateness of legally-related educational programs (other than clinical programs for law students) to the Courts Complex will be dependent upon the definition given to the programs. Institutions whose missions include such programs should give consideration to developing program proposals. The need for new legally-related educational programs will be assessed by the Board of Higher Education as part of its statutory responsibility.

Conclusions

Based upon analyses of lawyers currently prepared in Illinois, costs of legal education, costs of construction, and the types of educational programs presented in this report, the following conclusions have been reached:

1. The need for new or additional court space in Springfield and the need for reform in court procedures are beyond the purview of the Illinois Board of Higher Education. Therefore, no judgments about these matters are included in this report.

2. A new law school should not be established in the Courts Complex.

3. If a law library is needed to support court functions in the Courts Complex, it should not be controlled or operated by an institution of higher education.

4. A Center for Legal Studies should be established to coordinate all educational programs related to the Courts Complex and other government agencies in Springfield. Sangamon State University should develop a proposal for establishment of such a center. The proposal should be submitted to the Board of Regents and Board of Higher Education for approval.

5. Proposals for law student clinical programs to be associated with the Courts Complex may be developed by the University of Illinois and Southern Illinois University at Carbondale. Such proposals should be presented to the Board of Higher Education for approval through established procedures. Interested private law schools should be able to develop similar programs for their students.

6. Proposals for paralegal programs or other legally-related programs to be associated with the Courts Complex may be developed by interested institutions whose mission includes such offerings. Such proposals should be presented to the Board of Higher Education for approval through established procedures.

7. In order to complete the development of the Southern Illinois University at Carbondale Law School, funds should be provided in FY1976 to plan a facility.

8. The topics listed below should continue to be considered by the Board of Higher Education. They can appropriately be considered as part of Master Plan-Phase IV:

   a. Expansion of the University of Illinois College of Law and the Southern Illinois University at Carbondale Law School.

   b. Further definition of the scope of legal clinical education and the need for it.

   c. Further definition of the scope of paralegal education and the need for it.

   d. Further definition of the scope of the Center for Legal Studies as a mechanism to coordinate programs related to the Courts Complex and other governmental agencies in Springfield.

The Board staff recommends Board of Higher Education approval of this report and its conclusions.